



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Tonopah Field Office

1553 South Main Street

Tonopah, Nevada 89049

<https://www.blm.gov/nevada>

**AUG 02 2022**

In Reply Refer To:

4720/4710.4 (NVB02000)

### DECISION RECORD

Bureau of Land Management	:	
Tonopah Field Office	:	Decision Record
1553 South Main Street	:	DOI-BLM-NV-B020-2022-0030-EA
Tonopah, NV 89049	:	

The Little Fish Lake Joint Management Area (JMA) consists of the Little Fish Lake Herd Management Area (HMA) managed by the Bureau of Land Management (BLM) Tonopah Field Office (TFO) and the Little Fish Lake Wild Horse Territory (WHT) managed by the U.S. Forest Service (USFS) Austin-Tonopah Ranger District. The BLM proposes to gather and remove excess wild horses from within and outside the Little Fish Lake JMA. The gather and removal of excess wild horses from the Little Fish Lake WHT is included in the Proposed Action for the JMA and will be covered under a separate USFS decision associated with this EA. The BLM Battle Mountain District has determined that excess wild horses are present on public lands within and outside the boundaries of the JMA and that removal of these wild horses to within appropriate management level (AML) is necessary to achieve a thriving natural ecological balance.

The AML for the Little Fish Lake JMA was established as a single number of 132 wild horses through a stipulated agreement (Consent Decision) resolving an appeal before the Department of the Interior, Office of Hearings and Appeals, Departmental Cases Hearings Division. The Allotment was divided in 1989 and a portion of those lands were transferred to USFS; the AML was divided accordingly to reflect an AML of 93 horses for the USFS lands and 39 horses for the BLM-managed lands. The 1997 Tonopah RMP and Record of Decision confirmed that an AML of 39 horses remains appropriate for the portion of land that remains under the jurisdiction of the BLM. The Tonopah Resource Management Plan and Record of Decision of 1997 determined that "When the appropriate management level\*\*\* is exceeded, remove wild horses and/or burros to a point which may allow up to three years of population increase before again reaching the appropriate management level...". "Low AML" in this case, is the number which allows up to 3 years of population growth after excess animals have been removed, which equates to 79 wild horses for the JMA. In order to not exceed the number set by stipulated agreement but still allow for three years of population growth as provided for in the Tonopah RMP, AML range for the JMA is 79-132. The current estimated wild horse population, not including the 2022 foal crop, is 350 wild horses.

BLM has prepared an environmental assessment (EA) (DOI-BLM-NV-B020-2022-0030-EA) which analyzes the potential environmental impacts associated with the proposal to implement a 10-year wild horse gather plan to promptly remove approximately 271 excess wild horses (based on the current population estimate) from the Little Fish Lake JMA through an initial gather(s) and removal(s) to bring the population back to AML, and to implement follow-up gathers to apply population control measures to reduce the rate of population growth. The EA is consistent with BLM's management responsibilities

under the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA), as amended (Public Law 92-195).

#### **Description of Alternatives:**

- **No Action Alternative.** Under the No Action Alternative, a gather to remove excess wild horses would not occur. There would be no active management to control population growth rates, the size of the wild horse population, or to bring the wild horse population to AML.
- **Proposed Action (Alternative A).** Over a 10 year period, conduct an initial gather(s) to remove excess animals in order to bring the population back within AML range, use follow-up gathers to apply fertility control methods (vaccines and/or IUDs) to released mares, adjust sex ratio to 60% male and 40% female, and to conduct additional maintenance gathers to bring the population back to low AML if the population grows to exceed AML during the 10-year gather plan period after low AML was achieved.
- **Alternative B.** Gather and remove excess animals to within the AML range without application of fertility control measures.

#### **DECISION**

It is the Tonopah Field Office (TFO) decision to implement the Proposed Action (Alternative A) as described in the Final Environmental Assessment for the Little Fish Lake Joint Management Area (DOI-BLM-NV-B020-2022-0030-EA). This decision is effective immediately pursuant to 43 CFR 4770.3(c). The proposed action is consistent with the land use plans and would allow for achievement of management objectives in the Little Fish Lake JMA.

Under the Proposed Action, the TFO would gather and remove excess wild horses within and outside of the Little Fish Lake JMA to achieve AML (approximately 251 as of July 2022) through an initial gather or gathers and administer or booster population control measures to gather and released horses through subsequent maintenance gathers over a period of ten years from the initial gather(s), as well as gather excess horses throughout the 10-year time period of the plan. This would allow BLM to achieve management goals and objectives of attaining a herd size that is at the low range of AML, reducing wild horse population growth rates, and achieving a thriving natural ecological balance on the range as required under the WFRHBA.

#### **RATIONALE**

Upon analyzing the impacts of the Proposed Action (Alternative A) following issuance of the EA for public review; I have determined that implementing the Proposed Action (Alternative A) will not have a significant impact to the human environment and that an environmental impact statement is not required as set forth in the attached Finding of No Significant Impact.

The gather is necessary to remove excess wild horses and bring the wild horse population back to within the established AML range in order to achieve a thriving natural ecological balance between wild horses, wildlife, livestock, vegetation and the available water as required under Section 3(b)(2) of the 1971 Wild Free-Roaming Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976.

The BLM is required to manage multiple uses to avoid continued degradation of the rangelands, and removal of excess wild horses is necessary to protect rangeland resources from further deterioration or impacts associated with the current overpopulation of wild horses within the Little Fish Lake JMA.

The Proposed Action (Alternative A) is consistent with the wild horse management objectives identified in the 1997 Tonopah RMP, as well as the 1986 Toiyabe National Forest Land and Resource Management Plan, as amended. The phased gathering of wild horses and application of population controls consistent with the Proposed Action will occur over a 10- year period following the initial gather operation to achieve management objectives. A 10-year decision period is necessary to allow sufficient time for degraded range resources to recover. Since vegetative and riparian recovery occurs slowly, even after the immediate overpopulation has been addressed and low AML has been achieved, management for a thriving natural ecological balance will require maintaining the wild horse population with the AML range by removing animals in excess of AML (as a result of further population growth) and applying population control measures to slow the population growth rate during the 10-year period to ensure range recovery.

Leaving excess wild horses on the range under the No Action Alternative would not comply with the 1971 WFRHBA or applicable regulations and Bureau policy, nor would it comply with The Mojave-Southern Great Basin and Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations. The No Action Alternative would allow continued deterioration of rangeland resources, including vegetative, soil and riparian resources, as a result of the current overpopulation of wild horses within and outside the Little Fish Lake JMA, with potentially irreversible loss of native vegetative communities. Wild horses would continue to relocate in increasing numbers to areas outside the JMA boundaries due to competition for limited water and forage in the JMA adversely impacting public land resources not designated for wild horse management. The No Action Alternative also increases the likelihood of emergency conditions arising and need for emergency gathers to prevent individual animals from suffering or death due to insufficient forage or water.

Alternative B (removals only without use of fertility control) would allow for AML to be achieved and would be consistent with current land use plans. However, it would also allow for the population to continue to grow at a faster rate, which would lead to more frequent maintenance gathers and ultimately require more horses to be removed from the range over the ten-year period.

## **PUBLIC INVOLVEMENT**

A preliminary environmental assessment was made available to interested individuals, agencies and groups for a 30-day public review and comment period that opened on May 11, 2022 and closed on June 10, 2022. Comments were received from approximately 7113 individuals (mostly as form letters), 8 organizations, and 2 agencies/local entities. Many of these comments contained overlapping issues/concerns which were consolidated into 92 distinct topics. A detailed summary of the comments received and BLM's response and use of comments in preparing the final environmental assessment can be found in Appendix I.

The final Environmental Assessment / Gather Plan for the Little Fish Lake JMA is available on the National NEPA Registrar web page at <https://go.usa.gov/xuvw7> or by contacting the Tonopah Field Office.

## APPEALS

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4 and Form 1842-1 (enclosed). If you appeal, your appeal must also be filed with the Bureau of Land Management by mail or hand-delivered at the following address:

Perry Wickham  
Tonopah Field Office  
1553 South Main Street  
Tonopah, NV 89301

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. You have the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Interior Board of Land Appeals  
Office of Hearings and Appeals  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

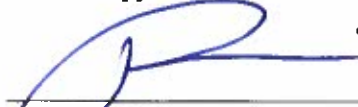
A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

US Department of the Interior  
Office of the Regional Solicitor  
Pacific Southwest Region  
2800 Cottage way, Room E-1712  
Sacramento, California 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore an emailed appeal will not be accepted as an appeal that has been filed under BLM's regulations.

  
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Perry B. Wickham  
Tonopah Field Office Manager

August 2, 2022  
Date

Enclosure:  
Form 1842-1